

## **MINUTES**

**NOVEMBER 6, 2003**

### **NEVADA STATE BOARD OF**

### **PHYSICAL THERAPY EXAMINERS**

- Item 1- Call to order / roll call to determine the presence of a quorum. After determining the presence of a quorum, the meeting was called to order at 9:06 am. Board Members in attendance: Laura LaPorta Krum, PT, PhD, Secretary/Treasurer; Chad Bible, MSPT, GCS; Conee Spano, M.Ed, Public Member; Pamela Hogan, PT, OCS, FSOM. Non-members in attendance: Lawrence P. Mooney, PT, Chief Inspector; Dena James, Deputy Attorney General; Allison Tresca, Executive Secretary. For all others in attendance, refer to the sign-in sheet in the minutes file.
- Item 2- Nominations and elections for Board Chairman, Secretary/Treasurer and Continuing Education Advisory Committee Board Representative. Board Member Spano advised that she was interested in the Secretary/Treasurer position. Board Member Hogan advised that she was interested in the position as well. On motion by Board Member Hogan, seconded by Board Member Bible and approved with a unanimous vote, Board Member LaPorta Krum is elected as Chairman. Board Member Spano advised that she has an accounting background, would be honored in serving the Board in a more active role and that she lives about 4 minutes from the Board office so she would be available to meet with the Executive Secretary. Board Member Hogan stated that she would withdraw her name, noting that Board Member Spano is a great choice for Secretary/Treasurer. On motion by Board Member Hogan, seconded by Board Member Bible and approved with a unanimous vote, Board Member Spano is elected Secretary/Treasurer. On motion by Board Member Bible, seconded by Board Member Spano and approved with a unanimous vote, Board Member Hogan is elected to represent the Board on the Continuing Education Advisory Committee.
- Item 3- Review and approval of minutes for Board meeting of September 18, 2003. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the minutes are approved.
- Item 4- Review and approval of executive session minutes for Board meeting of September 18, 2003. On motion by Board Member Hogan, seconded by Board Member Spano and approved with a unanimous vote, the executive session minutes are approved.
- Item 5- Review and approval of minutes for tele-conference Board meeting of October 6, 2003. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the minutes are approved.
- Item 6- Review and approval of Treasurer's Report for period ending September 30, 2003. The Executive Secretary advises that the cost of a fingerprint report has been raised from \$40 to \$44. On motion by Board Member Hogan, seconded by Board Member Bible and approved with a unanimous vote, the Treasurer's Report is approved.

- Item 7- Review and approval of Profit and Loss Report for period ending September 30, 2003. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Profit and Loss Report is approved.
- Item 8- Review and approval of Secretary's Report. Board Member Spano asked about the category for denied applicants and how long an application stays open once it is received. The Executive Secretary advised that applications typically expire after one year. Exceptions are made when the applicant is required to appear before the Board for approval to sit for the exam or to meet Board ordered requirements. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Secretary's Report is approved with the removal of the duplicate entries.
- Item 9- Applicant Maria Frederick requests to take the National Physical Therapy Examination for the third time per NRS 640.100(4). On motion by Board Member Spano, seconded by Board Member and approved with a unanimous vote, the Board goes into closed session. After returning to open session, on Motion by Board Member Spano, seconded by Board Member Bible, the applicant is required to demonstrate successful completion of a practice exam, that she schedule study time with a partner on a regularly scheduled basis, spend more time studying than in the past and register for the exam after February 1, 2004. Board Member Hogan would like to add that the applicant demonstrate that she has passed the practice exam by appearing before the Board in January 2004 with the practice exams that have been taken, including those which were passed. Board Member Spano accepts the amendment and it is seconded by Board Member Bible. Board Member LaPorta Krum would like to add that passing be considered anything above 75%. Board Member Spano accepts the amendment and it is seconded by Board Member Bible. Upon taking the vote, the motions pass unanimously.
- Item 10- Licensee Michel Rantissi appears in accordance with the terms of his probationary license. After returning to open session, on motion by Board Member Bible, Mr. Rantissi is to be supervised on-site by either of the supervising physical therapists already approved in either venue, and if they are not available, he must take day off. There is no second and the motion dies. On motion by Board Member Hogan, seconded by Board Member Bible, if one of the therapists who is supervising Mr. Rantissi in either inpatient or outpatient is not available for one or two days, but the other supervisor is available and in the same building, that supervisor can co-sign Mr. Rantissi's notes and that the supervisors can be interchangeable for no more than three days at a time; at that time he must request a new supervisor from the Board. Board Member Spano commented that the point is to have one supervisor for each area, not to be interchangeable. Board Member Bible noted that patients have to be seen. Mr. Rantissi noted that if a supervisor is sick or has time-off, he has to cancel patients. Board Member Spano asked how would permitting interchangeable supervisors impact the supervisors and will that supervisor have adequate time to supervisor both inpatient and outpatient treatments and activities. Mr. Rantissi said either will sign his notes, it is not impacting their workload. Board Member LaPorta asked what happens when neither Board approved supervisor is available. The motion dies. On motion by Board Member Hogan, seconded by Board Member Bible and approved with a unanimous vote, if one supervisor in either the outpatient or inpatient venue is absent, the other supervisor takes over his supervision, including co-signing his notes and if both supervisors are absent, Mr. Rantissi is not to work unless the Board approves another supervisor.

Mr. Rantissi requests that his probation be shortened to one year. Board Member Spano advised the applicant that there are intelligent individuals on the Board, particularly when his case was presented, and she is not in favor of amending their decision which was based on all of the available information. Board Member Hogan said that she is not in favor of shortening the imposed probation. Board Member Bible said that he is not familiar with the case and trusts what the Board determined when Mr. Rantissi appeared before them. Mr. Rantissi said the probation imposed was due to the fact that his records can be sealed in two years. Board Member Spano said that does not change her mind. Chairman LaPorta Krum said that the probation will remain as ordered.

- Item 11- Presentation by the Nevada Physical Therapy Association regarding the scope of practice for athletic trainers and how that differs from the scope of practice for physical therapists. Board Member LaPorta welcomes Jerry Jackson and Boyd Etter. She stated that the Board wants to hear the issues relative to Physical Therapy Board. Board Member LaPorta Krum asked Deputy Attorney General Dena James what the Board can and cannot do relative to the regulation of athletic trainers. Dena James reminds the Board that they are not on the Board to protect the profession; that they are on the Board to protect the public. She further commented that the Board can make sure the public does not fall in between the two Boards. She continued, stating that if someone claims to be a physical therapist, they can be disciplined. She also commented that if there is an infringement upon the practice of physical therapy, it is for the profession to lobby the legislature. She also noted that the Board is to ensure that the public is protected by the Practice Act for physical therapists. Jerry Jackson said he understands that there is a separation of the Board and the Association. He noted that as far as the link between the Association and the Athletic Trainer's Board, there will be one member who is a PT/ATC. Jeannine Jackson has been placed on the ATC Board as the PT/ATC representative. Board Member Hogan said that she applauds the work the NPTA has put into this; noting that it takes a lot of effort from everyone involved. Board Member LaPorta Krum asks what is relative to treating the public - what are the top 2 or 3 issues affecting the public perception. Mr. Jackson said that the NPTA has done something that no other state has done as there is a difference between assessment and evaluation in the ATC language. He also noted that there are different levels of education required for assessment, evaluations, joint mobilization and passive joint range of motion. Mr. Jackson said he wants the Board to understand that there was a lot of opposition from the Chiropractor's Board in regards to the ATC language. He also said that mobilization/manipulation should be in our Practice Act. He also noted that the ATC's are treating athletes. Boyd Etter said that the definition of "athlete" is what separates the ATC Board from the NSBPTE. Board Member LaPorta Krum commented that both Mr. Jackson and Mr. Etter have a great deal of familiarity with the ATC language and asked them, at what point does ATC stop and PT start. They replied that ATC's do not rehabilitate, PT's do. ATC's treat only athletes, not non-athletes. ATC's must be under the supervision of an MD, PT's do not have that requirement.

- Item 12- Complaint Hearings or Review and Approval of Consent Decrees.

Case #2003-13 / Christopher Cox. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-15 / Miriam Evaristo. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-24 / Timothy Pratt. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-29 / Joel Lapka. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-37 / Christina Sauley. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-43 / David Groh. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-45 / Timothy Hipkins. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-46 / Mark Lawrence. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-49 / Kim Brummer. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-51 / Stephanie Humphries. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-21 / Camela Ogron. Deputy Attorney General Dena James advises the Board that the Consent Decree was signed at the last minute and requests that the Board approve the faxed copy noting that the original document is in the mail. She further advises the Board that this Consent Decree is for failure to timely notify the Board of a change in residential address and that language has been added to the Consent Decree clarifying that this is the only complaint brought before the Board against this licensee. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

Case #2003-41 / Kimberly Johnson. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is approved.

- Item 13- Report from the Investigative Board Members.  
(A) Jurisdictional determination of the following cases.

Case #2003-61. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the case is dismissed.

Case #2003-62. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the case is dismissed.

- (B) Report from the Deputy Attorney General. The Board asked the Deputy Attorney General to make a presentation at each meeting which deals with their roles as Board Members, conducting meetings, policies of the Board, changes to the law, etc. The first such presentation will be at the January 29, 2004 meeting and the topic will be Robert's Rules.

Item 14- Update from the Board office. The Executive Secretary advised the Board that the Continuing Education compliance audit had been completed with all licensees responding in a favorable manner and proving compliance. She also noted that the annual financial audit had been completed and she was awaiting the report from the accountant. She also noted that the next issue of the Board Newsletter was in process and planned for release in December or January. She said that her next project would be to work with the Secretary/Treasurer in establishing a budget for the Board. It was also noted that the website has received over 3,000 hits and the on-line license verifications have been well-received. She noted that approved courses will be on-line soon and the next project will be to place a historical listing of disciplines.

(A) Assign two Board members to work with the Executive Secretary in establishing the pay scale and benefits of the Executive Secretary position. It was determined that Board Members LaPorta Krum, Hogan and Spano would work with the Executive Secretary.

Item 15- Board Member Pam Hogan to discuss her attendance at the FSBPT meeting.

Item 16- Review of September and October News Briefs from the Federation of State Boards of Physical Therapy. The Executive Secretary noted that she will email the Newsbriefs to the Board Members instead of placing them on the agendas. If a Board Member wants to discuss an issue included in the Newsbriefs, they can contact the Executive Secretary and request the item be placed on the agenda.

Item 17- Request for opinion from Helen Terry, RN, Gentiva Orthopedic Services: in accordance with the Nevada Physical Therapy Practice Act can licensees perform the prothrombin time test using a portable ProTime meter. The Board again noted that piercing of the skin is not permitted, however it is appropriate for the PT to interpret the test results to ensure treatment is appropriate.

Item 18- Update from L. Pete Mooney, Chief Inspector regarding the progress of the current annual inspections. Mr. Mooney noted that the inspections should be completed by the first of the year. He also noted that with all of the notices the Board has sent to the licensees, there are many licensees who simply do not follow the rules.

Item 19- Public Comment Period. Boyd Etter presented a list of suggested changes to NRS Chapter 640.

Item 20- Items for future agendas. Boyd Etter and Jerry Jackson request reimbursement for their appearance at the Board meeting today. Deputy Attorney General Dena James to make a presentation to the Board on Robert's Rules.

Item 21- Confirm schedule of future Board meetings and their locations. The Board will hold meetings on January 29, 2004 in Las Vegas and March 11, 2004 in Reno.

Item 22- Review of files/ratification for licensure.

FILES FOR REVIEW/RATIFICATION:  
Physical Therapists

1756 Machtemes, Kristen

1763 Fuhriman, Joshua

1757 Romero, Bernadette  
1758 Garma, Sitara  
1759 Anderson, Parley  
1760 Smith, Tanya  
1761 Bates, Cheryl  
1762 Garrett, Eric

1764 Coffey, Janet  
1765 Manzanillo, Scott  
1766 Reutemann, Kathryn  
1767 Phillips, Byron  
1768 Ramirez, Owana

Physical Therapist's Assistants

A-0348 Faucher, Shelby  
A-0349 Hilpert, Rachel

A-0350 DeGraff, Aaron

Item 23- Adjournment of the Board meeting. The meeting is adjourned at 2:40pm.